

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

2002 JUL -5 PM 2:39

CLERK OF COURT

RONALD F. SARGENT

§

VS.

§

§

§

VITALITY FOOD SERVICE, INC.

§

Civil Action No.

402-CV-0018-A

§

VITALITY BEVERAGES, INC. f/k/a

§

PASCO ACQUISITION I and

§

PASCO BEVERAGE COMPANY f/k/a

§

LYKES PASCO, INC., CAXTON -

§

ISEMAN CAPITAL, INC. and

§

ENGLES, URSO & FOLLMER

§

NOTICE OF APPEAL

Notice is hereby given that Ronald F. Sargent, Plaintiff in the above named case, hereby appeals to the United States Court of Appeals for the Fifth Circuit from the following orders and judgments entered in this action:

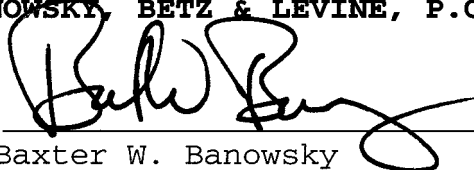
1. Memorandum Opinion and Order dated June 5, 2002, denying Plaintiff's Motion to Remand and granting Defendant Engles, Urso Follmer Capital Corporation's Motion to Dismiss and/or Motion for Summary Judgment;
2. Order dated June 11, 2002, granting the Motion to Dismiss for Lack of Personal Jurisdiction of Defendants Caxton-Iseman Capital, Inc. and Vitality Beverages, Inc;
3. Final Judgment as to Certain Defendant dated June 5, 2002, dismissing the claims against Defendant Engles, Urso Follmer Capital Corporation with prejudice; and
4. Final Judgment as to Certain Defendants dated June 11, 2002, dismissing the claims against Defendants

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Caxton-Iseman Capital, Inc. and Vitality Beverages,
Inc. without prejudice.

Respectfully submitted,

BANOWSKY, BETZ & LEVINE, P.C.

By: 
Baxter W. Banowsky
State Bar No. 00783593

2400 Univision Center
2323 Bryan Street
Dallas, Texas 75201
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ATTORNEYS FOR PLAINTIFF
RONALD F. SARGENT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing pleading has been served, via certified mail, return receipt requested, on the 5th day of July, 2002, upon:

Albon O. Head, Jr.
William R. Jenkins, Jr.
Jackson Walker, L.L.P.
301 Commerce Street
Suite 2400
Ft. Worth, TX 76102

Clifton T. Huchison
Jamie Lavergne
Hughes & Luce, L.L.P.
1717 Main Street
Suite 2800
Dallas, TX 75201


Baxter W. Banowsky

**United States District Court
Northern District of Texas
Office of the Clerk**

501 West 10th Street Room 310
Fort Worth, TX 76102-3673

7/8/02

Mr. Charles R. Fulbruge III, Clerk
U.S. Court of Appeals - Fifth Circuit
600 Camp Street, Room 102
New Orleans, LA 70130

SUBJECT: 4:02-CV-018-A Ronald F Sargent vs Vitality Food Service Inc et al NOA filed 7/5/02

Dear Mr. Fulbruge:

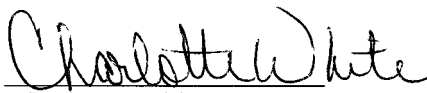
In connection with the appeal cited above, the following documents are transmitted:

<u>X</u>	Certified copy of the notice of appeal and docket entries
<u> </u>	Certified copy of the notice of cross-appeal and docket entries
<u> </u>	Record on appeal consisting of volume(s) of the record;
<u> </u>	Volume(s) of the transcript
<u> </u>	Volume(s) of depositions.
<u> </u>	Container(s) of exhibits
<u> </u>	Folder(s) of State Court Papers
<u> </u>	Sealed documents
<u> </u>	Audio Visual Tapes
<u> </u>	Supplemental record, including updated docket entries
<u>X</u>	Other: Interlocutory Appeal, Final Jdgmt not yet entered

In regard to the notice of appeal, the following additional information is furnished:

<u>X</u>	The Court of Appeals docket fee has been paid
<u> </u>	This case is proceeding <i>in forma pauperis</i>
<u> </u>	Although the Court of Appeals docket fee was not paid at the time the notice of appeal was filed, it was paid on:
<u> </u>	This case proceeded pursuant to 28 U.S.C. §1915 of the Prison Litigation Reform Act.
<u>X</u>	The presiding Judge is: Judge John McBryde
<u>X</u>	The court reporter assigned to this case is: Eileen Brewer
<u> </u>	This case was decided without a hearing, therefore there will be no transcript
<u> </u>	UPS Tracking #:

Sincerely,
KAREN MITCHELL
Clerk of Court

By: 
Charlotte White
Deputy Clerk

Received By _____